

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

THURSDAY, THE 23RD NOVEMBER 2006 / 2ND AGRAHAYANA 1928

WP(C).No. 29359 of 2006(T)

PETITIONER:

DR.T.V.ANUPAM KUMAR,
ASSISTANT PROFESSOR,
DEPARTMENT OF PEDODONTICS, DENTAL COLLEGE,
KOZHIKODE-673 008.

BY ADV. SRI.DEEPU THANKAN

RESPONDENTS:

1. STATE OF KERALA,
REPRESENTED BY THE SECRETARY,
HEALTH AND FAMILY WELFARE (B) DEPARTMENT,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.
2. DIRECTOR OF MEDICAL EDUCATION,
OFFICE OF THE DIRECTOR OF MEDICAL EDUCATION,
THIRUVANANTHAPURAM.

BY GOVT. PLEADER SRI. A.J.VARGHESE.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 23/11/2006, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

K.M.JOSEPH, J.

WP.(C) No.29359 OF 2006

Dated this the 23rd day of November, 2006

JUDGMENT

Case of the petitioner in brief is as follows:

He is working as Assistant Professor of Pedodontics in the Government Dental College, Kozhikode. He was promoted as Assistant Professor as per order dated 5.8.2004. While he was working in Government Dental College, Kottayam, another Assistant Professor, who was on leave without allowance has physically reported for joining duty after leave and as there was no vacant post, petitioner was reverted by order dated 11.4.2005 to accommodate him. Petitioner was relieved from duty with effect from 14.6.2005. He reported on the same day before the second respondent for fresh posting order. However, it was issued only on 7.10.2005. Petitioner thereupon made a request to treat the compulsory waiting period for getting fresh order as duty period and to disburse the salary. He claims entitlement as per Note 4 to Rule 12(7) of Part I of KSR.

2. Today, when the matter came up, counsel for the petitioner produced order No.53094/B1/05/H & FWD dated 11.8.2006, as per

which certain directions were given to the second respondent.

In the light of this development, the writ petition is disposed of directing the second respondent to take consequential action within a period of three weeks from the date of receipt of a copy of this judgment.

(K.M. JOSEPH, JUDGE)

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K.M.JOSEPH, JJ.

W.A. No. OF

JUDGMENT

Dated this the day of February, 2006.